

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAUNDRY, DRY CLEANING WORKERS AND  
ALLIED INDUSTRIES HEALTH FUND UNITE  
HERE! and LAUNDRY, DRY CLEANING  
WORKERS AND ALLIED INDUSTRIES  
RETIREMENT FUND, UNITE HERE!

Petitioners,

-v-

No. 07 Civ. 6970 (LTS)(RLE)

LINENS OF EUROPE, INC., LINENS OF EUROPE  
NEW YORK, INC. AND S DURAN L, as a single  
employer,

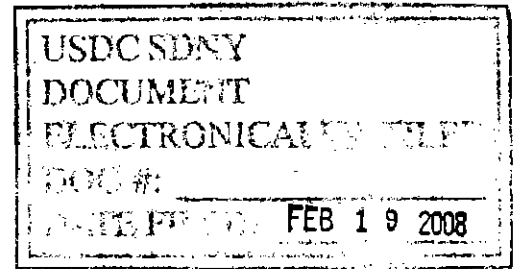
Respondent.

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**ORDER TO SHOW CAUSE**

On August 3, 2007, Petitioners in the above-captioned case filed a petition to confirm an arbitration award, and filed a motion to the same effect on August 24, 2007. (Docket Entries Nos. 1, 3.) On August 31, 2007, the Court entered an order that, in the event Respondent failed to file and serve a timely response to the petition and did not consent affirmatively to grant of the relief sought therein, Petitioners were to promptly serve on Respondent and file with the Court a written application for confirmation, which was to include an affidavit confirming that the petition was timely filed, that the award that is the subject of the application had not been vacated or modified and that no application for such relief was currently pending, as well as the papers enumerated in 9 U.S.C. § 13. (Docket Entry No. 6, ¶ 3.) Respondent did not file a timely response to the petition, nor did Respondent consent affirmatively to a grant of the relief sought in the petition.

Although Petitioners' petition and subsequent motion included an affidavit confirming that the petition was timely filed and also appeared to include all the papers enumerated in 9 U.S.C. §



13, Petitioners still have not filed any averment as to whether the award has since been vacated or modified or whether any other application for such relief is currently pending, nor is there any confirmation that all the papers required by 9 U.S.C. § 13 have been filed.

On several occasions in the past few months, Chambers contacted counsel for Petitioners requesting that the remaining papers required by this Court's August 31, 2007, Order be filed promptly. Counsel for Petitioners have not complied with this request.

Therefore, it is hereby ORDERED that Plaintiffs show cause via letter, to be faxed to Chambers no later than **February 29, 2008**, as to why this action should not be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: New York, New York  
February 19, 2008



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LAURA TAYLOR SWAIN  
United States District Judge